

EXHIBIT B

From: Benjamin.Stern@hklaw.com
To: [John L. Wood](#)
Cc: ClientTeamAvaya-SNMP@hklaw.com; Richard Busch; Patrick W. Ogilvy
Subject: RE: Expert Disclosure and Reports
Date: Wednesday, September 16, 2015 10:19:38 AM
Attachments: [image001.png](#)

Confirmed. I believe I either sent Andrew an email or spoke to him about this previously.

Benjamin Stern | Holland & Knight

Partner

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From: John L. Wood [<mailto:JWood@emlaw.com>]
Sent: Wednesday, September 16, 2015 11:15 AM
To: Stern, Benjamin M (BOS - X72022)
Cc: Client Team Avaya-SNMP; Richard Busch; Patrick W. Ogilvy (pogilvy@KingBallow.com)
Subject: RE: Expert Disclosure and Reports

Ben,

We never received confirmation from you that Dr. Case and Mrs. Case can see unredacted versions of Avaya's and SNMP's expert reports. We agreed to allow Richard Hamilton and a single other Avaya employee see unredacted reports on the condition that Dr. Case and Mrs. Case also be able to see the unredacted reports. Please confirm your agreement to this arrangement.

John L. Wood

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From: Andrew W. Coffman [<mailto:acoffman@KingBallow.com>]
Sent: Wednesday, July 29, 2015 3:43 PM
To: 'Benjamin.Stern@hklaw.com'
Cc: ClientTeamAvaya-SNMP@hklaw.com; Richard Busch; John L. Wood
Subject: RE: Expert Disclosure and Reports

Ben,

First, SNMP Research does not object to Dr. Joachimsthaler and Ms. Moizel reviewing information pursuant to the terms of the Protective Order.

Second, SNMP Research will agree to extend the entire expert discovery schedule three weeks if Avaya will agree that the Motion to modify the scheduling order will include a joint request from the parties to extend the length of the trial based on the complexity of the case and the fact that the parties intend to call at least 14 expert witnesses in this matter. SNMP Research does not seek to extend its own time for rebuttal reports or for depositions at this time, but would need an agreement that if such an extension was required Avaya would consent.

Third, SNMP Research is willing to allow Richard Hamilton as well as a single other Avaya employee to see the unredacted expert reports, including the Brian Napper Report under certain conditions. First, Avaya would need to agree that Dr. Case and Mrs. Case could see unredacted versions of Avaya's and SNMP's expert reports. Second, Avaya would need to disclose the second individual who would see the reports to SNMP for approval which will not be unreasonably withheld. Third, Avaya must agree the two individuals who are allowed to see the unredacted reports will not share any information regarding the redacted sections with any other Avaya personnel and will not use the information contained in the reports for any purpose other than advancing the litigation or a potential settlement of the litigation.

Attached is a redacted Brian Napper report which SNMP consents to Avaya showing to its internal employees to the extent such employees have a need to see the report as part of the litigation or in furtherance of a potential settlement of the litigation. Should Avaya wish to get any other redacted reports please let us know.

Please confirm your agreement to the above by responding to this e-mail.

Best,

Andrew

Andrew Coffman
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From: Benjamin.Stern@hklaw.com [<mailto:Benjamin.Stern@hklaw.com>]
Sent: Monday, July 27, 2015 8:09 PM
To: Andrew W. Coffman
Cc: ClientTeamAvaya-SNMP@hklaw.com; Richard Busch; JWood@emlaw.com
Subject: Expert Disclosure and Reports

Andrew:

We received SNMP-RI's eight expert reports very late Friday night/early Saturday morning and are making our way through them. We were, frankly, quite surprised that you served reports from eight experts; that number of experts is unusual, particularly given the short amount of time Judge Andrews has allotted for this trial.

As you know, we agreed to give you a courtesy extension of three weeks to complete your expert reports. We now request the same courtesy from you. Please confirm. Additionally, given the number of experts the parties have now disclosed, we may want to discuss extending the time for expert depositions.

Additionally, attached are the required expert disclosures under the PO for Peggy Moizel and Erich Joachimsthaler.

Although we recognize that the Protective Order – which was negotiated at the outset of the case and before we knew about the number of experts you were going to use -- gives you 14 business days to object, we request you tell us, by Wednesday COB, whether we can show your expert reports (and all materials cited therein) to Ms. Moizel and to Mr. Joachimsthaler. We also need to know if you object to these experts more generally, so that we can show them other PO-protected materials. If you do not or cannot agree to this request, which we think is reasonable under the circumstances, we will seek a further extension (in addition to the three week reciprocal courtesy extension that we presume you will give us) for our rebuttal reports from the Court.

Finally, we request permission to share Mr. Napper's expert report with Richard Hamilton and others in Avaya's in-house legal department responsible for overseeing this litigation. We trust that Mr. Case will want the same ability to see our responsive expert damages report, and we would have no objection to him seeing it -- provided we can reach agreement. If you do not agree, please let us know which portion(s) of Mr. Napper's report you believe should be redacted before we provide it to Avaya's in-house counsel.

--Ben

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